

Notice of Allowability

Application No.

09/290,006

Examiner

HUNG Q. PHAM

Applicant(s)

WANKER, WILLIAM PAUL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/07/07.
2. ☒ The allowed claim(s) is/are 1-7, 14-16, 20-23, 27, 30, 36, 39 and 41-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 01/29/07&06/07/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08/30/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

H. Q. Pham
HUNG Q PHAM
Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Jordan Becker, on 08/27/2006.

In the Claims filed on 06/07/2007, please:

- CANCEL claims 10-13, 28, 37, 38 and 40;
- REPLACE claims 1-7, 14-16, 20-23, 27, 30, 36, 39 and 41-47 with the following claim 1-7, 14-16, 20-23, 27, 28, 30, 36, 39 and 41-47 (without strike-through and underlining markings):

1. *In an online comparison system, a method of ranking merchants, comprising:
entering by a consumer a set of weighting factors prior to receiving query information related to a potential consumer purchase, the weighting factors corresponding to categories of merchant comparison information data;
receiving the query information related to the potential consumer purchase;
receiving a plurality of merchant comparison information data for a plurality of merchants related to completing the potential consumer purchase, the merchant comparison information data for a merchant organized into a plurality of categories, wherein the merchant comparison information data includes non-opinion data from at least two categories from: price category, product availability category, product inventory category, time to deliver product category, payment terms category, payment method category, merchant creditworthiness category, and inventory category information;
calculating a plurality of respective merchant data weight resultant values for each merchant of the plurality of merchants by multiplying each weighting factor from the entered set*

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of weighting factors by a data value of the merchant comparison information data from a corresponding merchant data category;

calculating an aggregate score for each merchant by summing the plurality of calculated merchant data weight resultant values;

ranking the merchants based on the aggregate scores to produce a ranking result; and

returning the ranking result to the consumer, the ranking result corresponding to the received query information.

2. *The method of claim 1, further comprising:*

requesting information from the consumer relating to a potential consumer purchase.

3. *The method of claim 2, further comprising:*

providing the ranking result to the consumer in response to the consumer's response to the request for information relating to a potential consumer purchase.

4. *The method of claim 3, further comprising:*

excluding a merchant from the ranking result when the merchant receives an aggregate score below a specified threshold.

5. *The method of claim 1, further comprising:*

requesting weighting factor information from a consumer; and
using the consumer entered weighting factor information in the calculation of the respective merchant data weight resultant value.

6. *The method of claim 1, wherein the weighting factors sum to a predetermined value.*

7. *The method of claim 5, wherein the weighting factors are balanced such that the weighting factors sum to a predetermined value.*

14. *A method of ranking merchants in an online comparison system, comprising the steps of:*
entering by a consumer a set of weighting factors prior to receiving query information related to a potential consumer purchase of a user specified product;

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receiving the query information relating to said user specified product from the consumer;

retrieving a list of merchants from a database, wherein the list of merchants includes merchants offering said user specified product;

retrieving merchant specific information about the merchants in said list of merchants, said merchant specific information including a plurality of merchant data entry values, the merchant data entry values representing non-opinion data;

for each merchant in the list of merchants, applying the weighting factors to a corresponding subset of the merchant specific information including multiplying each of said merchant data entry values by a corresponding weighting factor from the set of weighting factors to calculate a merchant data weight resultant value, to produce a plurality of merchant data weight resultant values;

for each merchant in the list of merchants, summing the corresponding plurality of merchant data weight resultant values to calculate a merchant aggregate score for said each merchant;

ranking said list of merchants based on the calculated merchant aggregate scores to produce a ranking result; and

returning the ranking result to the consumer, the ranking result corresponding to said user specified product, wherein any merchant for which the calculated aggregate score does not satisfy a specified criterion is excluded from the result.

15. *The method of claim 14, wherein the weighting factors are chosen by the consumer from a preset grouping of weighting factors.*

16. *The method of claim 14, wherein the weighting factors are specified by the consumer.*

20. *The method of claim 14, further comprising the step of eliminating those merchants from the ranking result if the merchant specific information is incomplete for that merchant.*

21. *The method of claim 20, wherein said eliminating occurs only for merchants whose merchant specific data is incomplete as compared to a predefined screening criterion.*

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22. *The method of claim 21, wherein the predefined screening criterion is received from the consumer.*

23. *The method of claim 14, further comprising the step of excluding from the ranking result comparison information items not common to all merchants in the ranking result.*

27. *The method of claim 14, further comprising the steps of:
presenting the consumer with a list of merchant information categories;
receiving consumer selected merchant information categories; and
ranking merchants based upon the selected information categories.*

30. *The method of claim 14, further comprising the steps of:
receiving category weighting factors from the consumer, wherein category weighting factors are applied to all comparison information corresponding to the category in the merchant specific information; and
ranking merchants according to the received category weighting factors.*

36. *A method of ranking merchants in an online comparison system, comprising:
receiving from a consumer a set of weighting factors prior to receiving query information specifying a product or service, the weighting factors corresponding to categories of merchant comparison information, wherein each said weighting factor is entered as a numerical value and represents the relative importance to be given to corresponding merchant comparison information in ranking the merchants;*

*receiving the query information related to a product or service from the consumer;
retrieving merchant comparison information data of merchants offering said product or service from a database, the retrieved merchant comparison information data corresponding to the entered query information, the merchant comparison information excluding opinion data and survey result data;*

calculating a plurality of weighted category scores for each merchant by, for each of the weighting factors, multiplying the weighting factor by a corresponding data value of the retrieved merchant comparison information data to calculate a weighted category score, and

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summing the weighted category scores to calculate a merchant overall score of each merchant;

ranking the merchants according to the calculated merchant overall score of each merchant to produce a ranking result; and

returning the ranking result to the consumer, the ranking result corresponding to the received query information.

39. *A method of ranking merchants in an online comparison system, comprising:
selecting, by a consumer, a plurality of weighting factors prior to receiving query information specifying a product or service, the weighting factors corresponding to merchant comparison information;*

receiving the query information specifying a product or service from the consumer;

retrieving the merchant comparison information of merchants offering said product or service from a database, the retrieved merchant comparison information corresponding to the query information;

calculating a plurality of weighted category scores for each merchant by, for each of the selected weighting factors, multiplying the weighting factor by a data value of the retrieved merchant comparison information to calculate a weighted category score, and

summing the weighted category scores to calculate the merchant score of each merchant;

ranking the merchants according to the calculated merchant score of each merchant to produce a ranking result, wherein the retrieved merchant comparison information excludes information obtained from surveys and information specifying the opinion of a person; and

returning the ranking result to the consumer, the ranking result corresponding to the query specifying a product or service.

41. *The method of claim 39, wherein the weighting factors and the query information are specified by the consumer.*

42. *The method of claim 39, wherein the weighting factors are selected by the consumer from a list of weighting factors.*

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43. *The method of claim 42, wherein the list of weighting factors corresponds to the merchant information.*

44. *The method of claim 39, wherein the selection is made from a drop down list of weighting factors.*

45. *The method of claim 42, wherein the consumer can modify the selected weighting factors to enter a weighting factor not included in the list of weighting factors.*

46. *The method of claim 42, wherein the list of weighting factors is entered by the consumer.*

47. *The method of claim 42, wherein the list of weighting factors is selected by the consumer from a group of lists of weighting factors.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HUNG Q PHAM
Primary Examiner
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August 28, 2007